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By ECF (courtesy copy by facsimile)

Hon. Paul G. Gardephe
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Vernon Jones v. City of New York, et al.,
14 Civ. 8927 (PGG)

Dear Judge Gardephe:

I am a Senior Counsel in the New York City Law Department, assigned to represent the defendants in this matter. As the Court is aware, discovery has been delayed because plaintiff's counsel has reported that he has not been able to play the video of the incident that defendants previously produced in September 2015. On January 8, 2016, the parties participated on their second telephone conference with the Court's clerk, Raj Trehan, in order to provide the latest status regarding the video. Although defendants reiterated that they have already gone above and beyond the requirements of the federal rules of civil procedure, defendants reported to Mr. Trehan that they will make additional efforts to convert the video into another format in order to resolve this issue. I was informed earlier today that DOC's IT department was able to successfully convert the video into an **.ASF** format. I expect to have a copy of the CD by tomorrow and will produce it to plaintiff's counsel shortly thereafter.

As the Court is aware, this will be the third time that defendants are producing this CD to plaintiff. I remain hopeful that this third production of the video will resolve plaintiff's alleged issues with playing the video. If plaintiff's counsel reports again that he is unable to play the video, I would respectfully request that the Court order plaintiff's counsel to allow the undersigned to visit plaintiff's counsel's office to assist him with opening the video or otherwise order that plaintiff's counsel come to the undersigned's office to view the video. Plaintiff's counsel has, to date, refused both requests. I will further report on this issue at tomorrow's conference.

I thank the Court for its time and attention to this matter.

Sincerely,

/s/ Ben Kuruvilla

Ben Kuruvilla

cc: **VIA ECF**

David Thompson, Esq.